

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON

IN RE INMATES 3 WEST AT THE  
CLARK COUNTY JAIL,

Plaintiff,

:

Case No. 3:06-mc-010

-vs-

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District Judge Thomas M. Rose  
Chief Magistrate Judge Michael R. Merz

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**RECUSAL ORDER**

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This matter arises from a letter written on June 29, 2006, to Senior Judge Walter Rice by a number of inmates confined in the 3 West wing or pod of the Clark County Jail (Doc. No. 1). Judge Rice's order (attached hereto) requires the Clerk to file the letter as a miscellaneous case (jail conditions under 42 U.S.C. § 1983) and send the file back to Judge Rice on an immediate basis.

It appears from the docket that when the miscellaneous case was opened, it was randomly assigned to District Judge Rose. Because the inmates filed the matter *pro se*, the Clerk appropriately marked the docket to show a reference to the undersigned pursuant to the Dayton General Order of Assignment and Reference.

Understanding, however, that Judge Rice desires to handle this matter personally without the intervention of a magistrate judge, the undersigned recuses himself from further involvement in this matter in the absence of an individual order of reference.

July 19, 2006.

s/ Michael R. Merz  
Chief United States Magistrate Judge

File this letter from the inmates at the Clark County Jail as a miscellaneous case re: jail conditions and make it a civil rights action under Section 1983. Have the file sent back to Judge Rice on an immediate basis.

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